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APPENDIX.

Jurisdictional Act, Act of February 29, 1929, 45 Stat. 1249.

"That jurisdiction is hereby conferred on the Court of Claims, with the right of appeal by either party to the Supreme Court of the United States, notwithstanding lapse of time or statutes of limitation, to hear, determine, adjudicate, and render final judgment on all legal and equitable claims of whatsoever nature of the Nez Perce Tribe of Indians in Idaho, or of any band thereof, against the United States, arising under or growing out of the original Indian title, claim, or rights of the said Indian tribe or any band thereof, including all title, claim, or rights growing out of treaties of June 11, 1855 (Twelfth Statutes, Page 957), and June 9, 1863 (One hundred and forty-eighth Statutes, Page 673), and an agreement of May 1, 1893, approved by Act of Congress of August 15, 1894 (Twenty-eighth Statutes, page 286), with the said Nez Perce Tribe or bands of Indians, in connection with the Nez Perce Indian Reservation in the States of Idaho and Oregon, and more particularly as to the following claims: • • •

"3. Claim for gold mined and removed by white men, without authority and in trespass, from the Nez Perce Indian Reservation lands in Idaho prior to the treaty of June 9, 1863, and its approval or ratification by the Senate on April 17, 1867 (Fourteenth Statutes, page 647), ceding such lands to the United States, such claim, in any event, not to exceed one-eighth of the amount of gold so mined and removed: Provided, That this Act shall not be construed as creating any rights which may be made the basis of a legal or equitable cause of action but shall only authorize the said Nez Perce Tribe of Indians to present to the United States Court of Claims for adjudication such legal rights and claims, if any, which may exist under the treaties and agreements mentioned in this Act.

Treaty of June 11, 1855, 12 Stat. 957.

Article 1. The Nez Perce Tribe of Indians hereby cede, relinquish and convey to the United States, all right, title

and interest in and to the country occupied or claimed by them, bounded * * *

Article 2. There is, however, reserved from the lands above ceded for the use and occupation of the said tribe * * * the tract of land included within the following boundaries * * * All which said tract shall be set apart, and, so far as necessary, surveyed and marked out for the exclusive use and benefit of said tribe as an Indian reservation; nor shall any white man, excepting those in the employment of the Indian department, be permitted to reside upon the said reservation without permission of the tribe and the superintendent and agent; and the said tribe agrees to remove to and settle upon the same within one year after the ratification of this treaty.

* * * * *

Article 8. The aforesaid tribe do hereby renew their acknowledgments of dependence upon the Government of the United States, their promises of friendship, and other pledges, as set forth in the eighth article of the treaty of June 11, 1855; and further, that all the provisions of said treaty which are not abrogated or specifically changed by any article herein contained, shall remain the same to all intents and purposes as formerly,—the same obligations resting upon the United States, the same privileges continued to the Indians outside of the U. S. as to right of way upon the streams and over the roads which may run through said reservation, as are therein set forth.

Treaty of June 9, 1863, 14 Stat. 647.

Article 1. The said Nez Perce tribe of Indians agree to relinquish, and do hereby relinquish, to the United States the lands heretofore reserved for the use and occupation of the said tribe, saving and excepting so much thereof as is described in Article II for a new reservation.

Article 2. The United States agrees to reserve for a home, and for the exclusive use and occupation of the said tribe, a tract of land * * *

Article 4. In consideration of the relinquishment herein made the United States agrees to pay to the said tribe, in addition to the annuities provided for in the treaty of June 11, 1855 * * * the sum of \$262,500. * * *

Article 8. It is also understood that the aforesaid tribe do hereby renew their acknowledgments of dependence upon the Government of the United States, their promises of friendship, and other pledges, as set forth in the eighth article of the treaty of June 11, 1855; and further, that all the provisions of said treaty which are not abrogated or specifically changed, by any article herein contained, shall remain the same to all intents and purposes as formerly,—the same obligations resting upon the United States, the same privileges continued to the Indians outside of the reservation, and the same rights of way upon the streams and over the roads which may run through said reservation, as are therein set forth.

(9672)